

## EPA Official Record

**Mail ID:** 2e32120ece384e2e8af4049470b568a2

**From:** Beak, Doug

**To:** Jackson, Suzanne

**Delivered Date:** 09/25/2014 07:59 AM EDT

**Subject:** FW: Lotus Notes emails responsive to FOIA request EPA-HQ-2014-008306

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----- Forwarded by Doug Beak/ADA/USEPA/US on 09/24/2014 02:05 PM -----

From: Michael Overbay/R6/USEPA/US

To: [bob.costello@chk.com](mailto:bob.costello@chk.com), Chris Hill <[chris.hill@chk.com](mailto:chris.hill@chk.com)>, [john.satterfield@chk.com](mailto:john.satterfield@chk.com)

Cc: Stephen Hess/DC/USEPA/US@EPA, Susan Mravik/ADA/USEPA/US@EPA, Doug Beak/ADA/USEPA/US@EPA, Jeanne Briskin/DC/USEPA/US@EPA, "Florentino, Gene" <[GFlorentino@ene.com](mailto:GFlorentino@ene.com)>

Date: 07/27/2012 02:41 PM

Subject: Draft Access Agreement

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Hi Bob, Chris and John,

As we just discussed, here is the draft access agreement with edits from counsels representing EPA, CHK and E&E.

*(See attached file: draft EPA Chesapeake access agreement July 27 12.docx)*

I had discussed the recent revisions with Chris Hill on Wednesday, July 18th, regarding the changes to the insurance language requirements. I am still waiting on E&E to get cost information so that I can go forward to EPA management to approve the additional insurance costs for liability and well control insurance. Also, based on our discussions today, CHK will make additional revisions to address the issue of allowing EPA continued access to the property should CHK no longer own the mineral interests in the future. Bob Costello will also send Steve Hess information relating to the title opinion he discussed. Since it seems that is something that we may be able to do in just a few days, I will wait to make sure that we are comfortable with our understanding of that issue before pushing forward for final OK. Hopefully, we can this all resolved next week.

Michael Overbay, P.G.  
Regional Ground Water Center Coordinator  
U.S. Environmental Protection Agency - Region 6  
(214)665-6482  
(214)665-2191 (FAX)

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From: Paul Hagemeyer <[paul.hagemeyer@chk.com](mailto:paul.hagemeyer@chk.com)>  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: John Satterfield <[john.satterfield@chk.com](mailto:john.satterfield@chk.com)>, Donald Maddox/DC/USEPA/US@EPA  
Date: 07/30/2012 10:54 AM  
Subject: Meeting tomorrow.

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Bob – wanted to get a quick read on your agenda for tomorrow’s meeting.

We are currently planning to answer questions on methodology and findings from these two studies. We plan to answer questions at a fairly high level, but wanted to find out what depth you or your team might want to get into. They have had these reports for some time, so they may have questions that we can cover.

I believe that we have covered the access and contract issues, but would be happy to address that or any other issues you care to discuss.

Thank you,

***Paul Hagemeyer***

Vice President - Regulatory Compliance

Chesapeake Energy Corporation

Office: (405) 935-4014

Fax: (405) 849-4014

E-mail: [paul.hagemeyer@chk.com](mailto:paul.hagemeyer@chk.com)



[Declare energy independence](#)

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To: Michael Overbay/R6/USEPA/US@EPA, "Chris Hill (Regulatory)" <chris.hill@chk.com>, John Satterfield <john.satterfield@chk.com>  
Cc: Stephen Hess/DC/USEPA/US@EPA, Susan Mravik/ADA/USEPA/US@EPA, Doug Beak/ADA/USEPA/US@EPA, Jeanne Briskin/DC/USEPA/US@EPA, "Florentino, Gene" <GFlorentino@ene.com>  
Date: 07/31/2012 04:52 PM  
Subject: RE: Draft Access Agreement

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My apologies for the delay in getting this back – I made only minor edits to address Steve's concern. – The EPA now derives its permission to enter from our agreement with the surface owner, and from our rights under the leasehold estate. I also made sure the intent was to create a covenant running with the land which protects in the event of subsequent owners of the well/location – they will take subject to this agreement.

Also attached for Steve's review are the relevant pages from a 81 page title opinion which covers the entire 640 acre section. The attached pages relate to only the NE/4.

**From:** Michael Overbay [<mailto:Overbay.Michael@epamail.epa.gov>]  
**Sent:** Friday, July 27, 2012 2:41 PM  
**To:** Bob Costello; Chris Hill (Regulatory); John Satterfield  
**Cc:** Stephen Hess; Susan Mravik; Doug Beak; Jeanne Briskin; Florentino, Gene  
**Subject:** Draft Access Agreement

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Thank you Bob. I was out of the office yesterday and am just catching up on E-mails. I will check with Steve about his thoughts on this.

Regards,

Mike

Michael Overbay, P.G.  
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 Bob Costello ---07/31/2012 04:52:19 PM---My apologies for the delay in getting this back - I made only minor edits to address Steve's concern

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To: Michael Overbay/R6/USEPA/US@EPA, "Chris Hill (Regulatory)" <chris.hill@chk.com>, John Satterfield <john.satterfield@chk.com>  
Cc: Stephen Hess/DC/USEPA/US@EPA, Susan Mravik/ADA/USEPA/US@EPA, Doug Beak/ADA/USEPA/US@EPA, Jeanne Briskin/DC/USEPA/US@EPA, "Florentino, Gene" <GFlorentino@ene.com>  
Date:07/31/2012 04:52 PM  
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Date: 08/01/2012 02:04 PM  
Subject: RE: Draft Access Agreement

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Steve I will be glad to walk you through the Title Opinion – if you would like. It indicates we own 100% of the leasehold estate for the tract where the study will be conducted

**From:** Michael Overbay [<mailto:Overbay.Michael@epamail.epa.gov>]  
**Sent:** Wednesday, August 01, 2012 1:59 PM  
**To:** Bob Costello  
**Cc:** Chris Hill (Regulatory); Doug Beak; 'Florentino, Gene'; Jeanne Briskin; John Satterfield; Stephen Hess; Susan Mravik  
**Subject:** RE: Draft Access Agreement

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Mike

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Cc: Stephen Hess/DC/USEPA/US@EPA, Susan Mravik/ADA/USEPA/US@EPA, Doug Beak/ADA/USEPA/US@EPA, Jeanne Briskin/DC/USEPA/US@EPA, "Florentino, Gene" <[GFlorentino@ene.com](mailto:GFlorentino@ene.com)>  
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Date:08/03/2012 09:58 AM  
Subject:RE: Draft Access Agreement

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Mike,

CHK has revisited the agreement based on EPA's revisions and our discussions. Please see the attached document, and let me know if there are any additional issues we need to work through.

Thank you,

**Chris Hill**

Environmental Engineer  
Chesapeake Energy Corporation  
Office: (405) 935-2321  
Mobile: (405) 388-3907  
Fax: (405) 849-2321  
E-mail: [Chris.Hill@chk.com](mailto:Chris.Hill@chk.com)



Description: Declare energy independence

**From:** Michael Overbay [<mailto:Overbay.Michael@epamail.epa.gov>]  
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